

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ROBINA JENKINS,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:05cv1049-C
)	
NANCY WORLEY, individually and)	
in her official capacity as Secretary of)	
State, State of Alabama; JOE DICKSON,)	
individually and in his official capacity)	
as a member of the State Personnel Board;)	
HENRY MCMILLAN, individually and)	
in his official capacity as a member of the)	
State Personnel Board; JOHN)	
MCMILLAN, individually and in his)	
official capacity as a member of the)	
State Personnel Board; HORACE W.)	
POWELL, SR., individually and in his)	
official capacity as a member of the)	
State Personnel Board; and JOYCE P.)	
O'NEAL, individually and in her)	
official capacity as a member of the)	
State Personnel Board.)	
)	
Defendants.)	

ORDER

This case was removed to this court on October 31, 2005. (Doc. No. 1.) On January 19, 2006, this court gave the plaintiff 15 days to file an amended complaint. (Doc. No. 11.) Before the time for filing an amended complaint had expired, the plaintiff filed a notice of appeal to the United States Court of Appeals for the Eleventh Circuit on February 3, 2006. (Doc. No. 16.) The Eleventh Circuit dismissed the appeal on March 13, 2007. (Doc. No. 19.) This court subsequently entered a scheduling order, specifically

ordering that any motions to amend the pleadings should be filed by the plaintiff on or before June 1, 2007. (Doc. No. 25, p. 3.) On August 23, 2007, the plaintiff filed a motion for leave to amend her complaint with a claim that the defendants violated her right to due process under the Merit System Act. (Doc. No. 28.)

Now pending before the court is the August 23, 2007, motion for leave to amend complaint (doc. # 28) filed by the plaintiff. The defendant has filed an objection to the plaintiff's motion, arguing that the plaintiff has failed to act diligently with respect to this matter. (Doc. No. 31.)

Upon consideration of the motion and the defendant's objection and for good cause, it is

ORDERED that the plaintiff's motion for leave to amend be and is hereby DENIED as untimely. (Doc. No. 28.)

Done this 12th day of September, 2007.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE